INDEX
VOLUME 43
1990

LEADING ARTICLES—AUTHOR INDEX

BECK, RICHARD C.E.: *The Innocent Spouse Problem: Joint and Several Liability for Income Taxes Should Be Repealed* 317

BLAKEY, G. ROBERT & PERRY, THOMAS A.: *An Analysis of the Myths That Bolster Efforts to Rewrite RICO and the Various Proposals for Reform: "Mother of God—Is This the End of RICO?"* 851

BRANSON, DOUGLAS M.: *Indeterminacy: The Final Ingredient in an Interest Group Analysis of Corporate Law* 85

CALIFA, ANTONIO J.: *RICO Threatens Civil Liberties* 805

CARBONE, JUNE: *Economics, Feminism, and the Reinvention of Alimony: A Reply to Ira Ellman* 1463

CLAYTON, ELLEN WRIGHT & JAY: *Afterword: Voices and Violence—A Dialogue* 1807

DENNIS, EDWARD S.G., JR.: *Current RICO Policies of the Department of Justice* 651

EMERSON, ROBERT W.: *Franchising and the Collective Rights of Franchisees* 1503

GETZENDANNER, SUSAN: *Judicial "Pruning" of "Garden Variety Fraud" Civil RICO Cases Does Not Work: It's Time for Congress to Act* 673

GOLDSMITH, MICHAEL & LINDERMAN, MARK JAY: *Civil RICO Reform: The Gatekeeper Concept* 735

HUGHES, WILLIAM J.: *RICO Reform: How Much is Needed?* 639

KEATING, DAN: *Good Intentions, Bad Economics: Retiree Insurance Benefits in Bankruptcy* 161

LYNCH, GERALD E.: *A Conceptual, Practical, and Political Guide to RICO Reform* 769

MINOW, MARTHA: *Words and the Door to the Land of Change: Law, Language, and Family Violence* 1665

POLLARD, DEANA: *Regulating Violent Pornography* 125

RASMUSSEN, ROBERT K.: *Introductory Remarks and a Comment on Civil RICO's Remedial Provisions* 623

REDISH, MARTIN H.: *Product Health Claims and the First Amendment: Scientific Expression and the Twilight Zone of Commercial Speech* 1433

REED, TERRANCE G.: *The Defense Case for RICO Reform* 691

ROSS, THOMAS: *Innocence and Affirmative Action* 297

ROSS, WILLIAM G.: *Participation by the Public in the Federal Judicial Selection Process* 1

RYAN, MICHAEL: *Social Violence and Political Representation* 1771

STEINHARDT, RALPH G.: *The Role of International Law As a Canon of Domestic Statutory Construction* 1103

WALLACE, PERRY E., JR.: *Securities Arbitration After* McMahon, Rodriguez, *and the New Rules: Can Investors' Rights Really Be Protected?* 1199

WEST, CORNEL: *The Role of Law in Progressive Politics* 1797

WHITE, G. EDWARD: *Holmes As Correspondent* 1707

LEADING ARTICLES—TITLE INDEX

AFTERWORD: VOICES AND VIOLENCE—A DIALOGUE: *Ellen Wright & Jay Clayton* 1807

AN ANALYSIS OF THE MYTHS THAT BOLSTER EFFORTS TO REWRITE RICO AND THE VARIOUS PROPOSALS FOR REFORM: "MOTHER OF GOD—IS THIS THE END OF RICO?": *G. Robert Blakey & Thomas A. Perry* 851

CIVIL RICO REFORM: THE GATEKEEPER CONCEPT: *Michael Goldsmith & Mark Jay Linderman* 735

A CONCEPTUAL, PRACTICAL, AND POLITICAL GUIDE TO RICO REFORM: *Gerald E. Lynch* 769

CURRENT RICO POLICIES OF THE DEPARTMENT OF JUSTICE: *Edward S.G. Dennis, Jr.* 651

THE DEFENSE CASE FOR RICO REFORM: *Terrance G. Reed* 691

ECONOMICS, FEMINISM, AND THE REINVENTION OF ALIMONY: A REPLY TO IRA ELLMAN: *June Carbone* 1463
FRANCHISING AND THE COLLECTIVE RIGHTS OF FRANCHISEES: *Robert W. Emerson* 1503
GOOD INTENTIONS, BAD ECONOMICS: RETIREE INSURANCE BENEFITS IN BANKRUPTCY: *Dan Keating* 161
HOLMES AS CORRESPONDENT: *G. Edward White* 1707
INDETERMINACY: THE FINAL INGREDIENT IN AN INTEREST GROUP ANALYSIS OF CORPORATE LAW: *Douglas M. Branson* 85
INNOCENCE AND AFFIRMATIVE ACTION: *Thomas Ross* 297
THE INNOCENT SPOUSE PROBLEM: JOINT AND SEVERAL LIABILITY FOR INCOME TAXES SHOULD BE REPEALED: *Richard C.E. Beck* 317
INTRODUCTORY REMARKS AND A COMMENT ON CIVIL RICO'S REMEDIAL PROVISIONS: *Robert K. Rasmussen* 623
JUDICIAL "PRUNING" OF "GARDEN VARIETY FRAUD" CIVIL RICO CASES DOES NOT WORK: IT'S TIME FOR CONGRESS TO ACT: *Susan Getzendanner* 673
PARTICIPATION BY THE PUBLIC IN THE FEDERAL JUDICIAL SELECTION PROCESS: *William G. Ross* 1
PRODUCT HEALTH CLAIMS AND THE FIRST AMENDMENT: SCIENTIFIC EXPRESSION AND THE TWILIGHT ZONE OF COMMERCIAL SPEECH: *Martin H. Redish* 1433
REGULATING VIOLENT PORNOGRAPHY: *Deana Pollard* 125
RICO REFORM: HOW MUCH IS NEEDED?: *William J. Hughes* 639
RICO THREATENS CIVIL LIBERTIES: *Antonio J. Califa* 805
THE ROLE OF INTERNATIONAL LAW AS A CANON OF DOMESTIC STATUTORY CONSTRUCTION: *Ralph G. Steinhardt* 1103
THE ROLE OF LAW IN PROGRESSIVE POLITICS: *Cornel West* 1797
SECURITIES ARBITRATION AFTER *McMahon, Rodriguez*, AND THE NEW RULES: CAN INVESTORS' RIGHTS REALLY BE PROTECTED?: *Perry E. Wallace, Jr.* 1199
SOCIAL VIOLENCE AND POLITICAL REPRESENTATION: *Michael Ryan* 1771
WORDS AND THE DOOR TO THE LAND OF CHANGE: LAW, LANGUAGE, AND FAMILY VIOLENCE: *Martha Minow* 1665

ESSAYS—AUTHOR INDEX

GERHARDT, MICHAEL J.: *The Ripple Effects of* Slaughter-House*: A Critique of a Negative Rights View of the Constitution* 409

ESSAYS—TITLE INDEX

THE RIPPLE EFFECTS OF *SLAUGHTER-HOUSE*: A CRITIQUE OF A NEGATIVE RIGHTS VIEW OF THE CONSTITUTION: *Michael J. Gerhardt* 409

COMMENTS—AUTHOR INDEX

COVINGTON, ROBERT N.: LAW AS TEXT: A RESPONSE TO PROFESSOR MICHAEL RYAN 1787
ELSHTAIN, JEAN BETHKE: *Private Lives, Public Selves* 1763
EPSTEIN, JAMES A.: *Rhetoric of Silence: Some Reflections on Law, Literature, and Social Violence* 1701

COMMENTS—TITLE INDEX

LAW AS TEXT: A RESPONSE TO PROFESSOR MICHAEL RYAN: *Robert N. Covington* 1787
PRIVATE LIVES, PUBLIC SELVES: *Jean Bethke Elshtain* 1763
RHETORIC OF SILENCE: SOME REFLECTIONS ON LAW, LITERATURE, AND SOCIAL VIOLENCE: *James A. Epstein* 1701

SYMPOSIA

REFORMING RICO: IF, WHY, AND HOW? 621
LAW, LITERATURE, AND SOCIAL CHANGE 1663

SPECIAL PROJECT

CURRENT ISSUES IN DRUG ENFORCEMENT LAW 1255

NOTES—AUTHOR INDEX

BARROW, CLISBY LOUISE HALL: *Academic Freedom and the University Title VII Suit After* University of Pennsylvania v. EEOC *and* Brown v. Trustees of Boston University 1571
BENTON, ELIZABETH CARLIN: *The Constitutionality of Pregnancy Clauses in Living Will Statutes* 1821
BERUBE, DANTON ASHER: *Drug Proceeds Forfeiture and the Right to Counsel of Choice* ... 1377
COULTER, ALEXANDRA: *Drug Couriers and the Fourth Amendment: Vanishing Privacy Rights for Commercial Passengers* 1311
GILBERT, J. STEPHEN: *Substantive Consolidation in Bankruptcy: A Primer* 207
GRIFFITH, DODD S.: *The Computer Fraud and Abuse Act of 1986: A Measured Response to a Growing Problem* 453
MACDONALD, PAUL H.: *AIDS, Rape, and the Fourth Amendment: Schemes for Mandatory AIDS Testing of Sex Offenders* 1607
MURPHY, SANDI R.: *Drug Diplomacy and the Supply-Side Strategy: A Survey of United States Practice* 1259
SOKOLOWSKI, JAMES M.: *Government Drug Testing: A Question of Reasonableness* 1343
STEVENS, GREGORY T.: *The Proper Scope of Nonlawyer Representation in State Administrative Proceedings: A State Specific Balancing Approach* 245
THOMPSON, ELIZABETH B.: *The Constitutionality of an Off-Duty Smoking Ban for Public Employees: Should the State Butt Out?* 491
WRIGHT, JULIAN H., JR.: *Life-Without-Parole: An Alternative to Death or Not Much of a Life at All?* 529

NOTES—TITLE INDEX

ACADEMIC FREEDOM AND THE UNIVERSITY TITLE VII SUIT AFTER *UNIVERSITY OF PENNSYLVANIA v. EEOC* AND *BROWN v. TRUSTEES OF BOSTON UNIVERSITY*: *Clisby Louise Hall Barrow* ... 1571
AIDS, RAPE, AND THE FOURTH AMENDMENT: SCHEMES FOR MANDATORY AIDS TESTING OF SEX OFFENDERS: *Paul H. MacDonald* ... 1607
THE COMPUTER FRAUD AND ABUSE ACT OF 1986: A MEASURED RESPONSE TO A GROWING PROBLEM: *Dodd S. Griffith* ... 453
THE CONSTITUTIONALITY OF AN OFF-DUTY SMOKING BAN FOR PUBLIC EMPLOYEES: SHOULD THE STATE BUTT OUT?: *Elizabeth B. Thompson* ... 491
THE CONSTITUTIONALITY OF PREGNANCY CLAUSES IN LIVING WILL STATUTES: *Elizabeth Carlin Benton* ... 1821
DRUG COURIERS AND THE FOURTH AMENDMENT: VANISHING PRIVACY RIGHTS FOR COMMERCIAL PASSENGERS: *Alexandra Coulter* ... 1311
DRUG DIPLOMACY AND THE SUPPLY-SIDE STRATEGY: A SURVEY OF UNITED STATES PRACTICE: *Sandi R. Murphy* ... 1259
DRUG PROCEEDS FORFEITURE AND THE RIGHT TO COUNSEL OF CHOICE: *Danton Asher Berube* 1377
GOVERNMENT DRUG TESTING: A QUESTION OF REASONABLENESS: *James M. Sokolowski* ... 1343
LIFE-WITHOUT-PAROLE: AN ALTERNATIVE TO DEATH OR NOT MUCH OF A LIFE AT ALL?: *Julian H. Wright, Jr.* ... 529
THE PROPER SCOPE OF NONLAWYER REPRESENTATION IN STATE ADMINISTRATIVE PROCEEDINGS: A STATE SPECIFIC BALANCING APPROACH: *Gregory T. Stevens* ... 245
SUBSTANTIVE CONSOLIDATION IN BANKRUPTCY: A PRIMER: *J. Stephen Gilbert* ... 207

RECENT DEVELOPMENTS—AUTHOR INDEX

BROOKS, WILLIAM H.: *Meaningful Access for Indigents on Death Row:* Giarratano v. Murray *and the Right to Counsel in Postconviction Proceedings* ... 569
FOUTTY, STEPHEN L.: Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts, Inc.: *Entrenchment of the Due Diligence Requirement in Replevin Actions for Stolen Art* ... 1839
MATTINGLY, SHARON A.: *To Quote or Not to Quote: The Status of Misquoted Material in Defamation Law* ... 1637
STEWART, DAVID J.: Florida v. Riley: *The Emerging Standard for Aerial Surveillance of the Curtilage* ... 275

RECENT DEVELOPMENTS—TITLE INDEX

AUTOCEPHALOUS GREEK-ORTHODOX CHURCH OF CYPRUS v. GOLDBERG & FELDMAN FINE ARTS, INC.: ENTRENCHMENT OF THE DUE DILIGENCE REQUIREMENT IN REPLEVIN ACTIONS FOR STOLEN ART: *Stephen L. Foutty* ... 1839
FLORIDA v. RILEY: THE EMERGING STANDARD FOR AERIAL SURVEILLANCE OF THE CURTILAGE: *David J. Stewart* ... 275
MEANINGFUL ACCESS FOR INDIGENTS ON DEATH ROW: *GIARRATANO v. MURRAY* AND THE RIGHT TO COUNSEL IN POSTCONVICTION PROCEEDINGS: *William H. Brooks* ... 569
TO QUOTE OR NOT TO QUOTE: THE STATUS OF MISQUOTED MATERIAL IN DEFAMATION LAW: *Sharon A. Mattingly* ... 1637

BOOK REVIEWS—AUTHOR INDEX

P. Atiyah & R. Summers: Form and Substance in Anglo-American Law (David F. Partlett) 1401
L. Yackle: Reform and Regret: The Story of Federal Judicial Involvement in the Alabama Prison System (Barry Friedman) 593

BOOK REVIEWS—REVIEWER INDEX

Friedman, Barry: Reform and Regret: The Story of Federal Judicial Involvement in the Alabama Prison System (L. Yackle) 593
Partlett, David F.: Form and Substance in Anglo-American Law (P. Atiyah & R. Summers) 1401

INDEX DIGEST

Page references followed by an asterisk (*) are to Leading Articles, Essays, Comments, Responses, and Book Reviews; those followed by a dagger (†) are to Notes; those accompanied by two daggers (††) are to Recent Developments or the Special Project.

BANKRUPTCY
Good Intentions, Bad Economics: Retiree Insurance Benefits in Bankruptcy 161*
Substantive Consolidation in Bankruptcy: A Primer ..... 207†

CIVIL RIGHTS
Academic Freedom and the University Title VII Suit After *University of Pennsylvania v. EEOC* and *Brown v. Trustees of Boston University* ..... 1571†
Innocence and Affirmative Action ... 297*

CONSTITUTIONAL LAW
AIDS, Rape, and the Fourth Amendment: Schemes for Mandatory AIDS Testing of Sex Offenders ... 1607†
The Constitutionality of an Off-Duty Smoking Ban for Public Employees: Should the State Butt Out? .. 491†
The Constitutionality of Pregnancy Clauses in Living Will Statutes ... 1821†
Drug Couriers and the Fourth Amendment: Vanishing Privacy Rights for Commercial Passengers 1311††
Drug Proceeds Forfeiture and the Right to Counsel of Choice ..... 1377††
Florida v. Riley: The Emerging Standard for Aerial Surveillance of the Curtilage ..... 275††
Government Drug Testing: A Question of Reasonableness ..... 1343††
Innocence and Affirmative Action ... 297*
Life-Without-Parole: An Alternative to Death or Not Much of a Life at All? ..... 529†
Meaningful Access for Indigents on Death Row: *Giarratano v. Murray* and the Right to Counsel in Post-conviction Proceedings ..... 569††
Participation by the Public in the Federal Judicial Selection Process 1*
Product Health Claims and the First Amendment: Scientific Expression and the Twilight Zone of Commercial Speech 1433*
Regulating Violent Pornography 125*
The Ripple Effects of *Slaughter-House*: A Critique of a Negative Rights View of the Constitution .. 409*

CORPORATIONS & BUSINESS ENTITIES
Indeterminacy: The Final Ingredient in an Interest Group Analysis of Corporate Law 85*

Securities Arbitration After *McMahon, Rodriguez*, and the New Rules: Can Investors' Rights Really be Protected? 1199*

CRIMINAL LAW
Life-Without-Parole: An Alternative to Death or Not Much of a Life at All? ..... 529†
Meaningful Access for Indigents on Death Row: *Giarratano v. Murray* and the Right to Counsel in Post-conviction Proceedings ..... 569††
Reform and Regret: The Story of Federal Judicial Involvement in the Alabama Prison System (reviewed by Barry Friedman) 593*

CRITICAL LEGAL INTERPRETATION
Afterword: Voices and Violence—A Dialogue 1807*
Holmes As Correspondent 1707*
Law As Text: A Response to Professor Michael Ryan 1787*
Private Lives, Public Selves 1763*
Rhetoric of Silence: Some Reflections on Law, Literature, and Social Violence 1701*
The Role of Law in Progressive Politics 1797*
Social Violence and Political Representation 1771*
Words and the Door to the Land of Change: Law, Language, and Family Violence 1665*

FAMILY LAW
Economics, Feminism, and the Reinvention of Alimony: A Reply to Ira Ellman 1463*

FRANCHISING
Franchising and the Collective Rights of Franchisees 1503*

GOVERNMENT & LEGISLATION
The Computer Fraud and Abuse Act of 1986: A Measured Response to a Growing Problem ..... 453†
Drug Couriers and the Fourth Amendment: Vanishing Privacy Rights for Commercial Passengers 1311††
Drug Diplomacy and the Supply-Side Strategy: A Survey of United States Practice ..... 1259††
Drug Proceeds Forfeiture and the Right to Counsel of Choice ..... 1377††
Government Drug Testing: A Question of Reasonableness ..... 1343††
The Proper Scope of Nonlawyer Representation in State Administrative Proceedings: A State Specific Balancing Approach ..... 245†

HISTORY
Form and Substance in Anglo-American Law (reviewed by David F. Partlett) 1401*
Participation by the Public in the Federal Judicial Selection Process 1*

INTERNATIONAL LAW
Drug Diplomacy and the Supply-Side Strategy: A Survey of United States Practice ..... 1259††
The Role of International Law As a Canon of Domestic Statutory Construction 1103*

LAW AND ECONOMICS
Economics, Feminism, and the Reinvention of Alimony: A Reply to Ira Ellman 1463*

LAW AND LANGUAGE
Afterword: Voices and Violence—A Dialogue 1807*
Holmes As Correspondent 1707*
Law As Text: A Response to Professor Michael Ryan 1787*
Private Lives, Public Selves 1763*
Rhetoric of Silence: Some Reflections on Law, Literature, and Social Violence 1701*
The Role of Law in Progressive Politics 1797*
Social Violence and Political Representation 1771*
Words and the Door to the Land of Change: Law, Language, and Family Violence 1665*

LITIGATION
Reform and Regret: The Story of Federal Judicial Involvement in the Alabama Prison System (reviewed by Barry Friedman) 593*

ORGANIZED CRIME
An Analysis of the Myths That Bolster Efforts to Rewrite RICO and the Various Proposals for Reform: "Mother of God—Is This the End of RICO?" 851*
Civil RICO Reform: The Gatekeeper Concept 735*
A Conceptual, Practical, and Political Guide to RICO Reform 769*

Current RICO Policies of the Department of Justice 651*

The Defense Case for RICO Reform 691*

Introductory Remarks and a Comment on Civil RICO's Remedial Provisions 623*

Judicial "Pruning" of "Garden Variety Fraud" Civil RICO Cases Does Not Work: It's Time for Congress to Act 673*

RICO Reform: How Much is Needed? 639*

RICO Threatens Civil Liberties 805*

PROFESSIONAL RESPONSIBILITY

The Proper Scope of Nonlawyer Representation in State Administrative Proceedings: A State Specific Balancing Approach ..... 245†

PROPERTY

Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts, Inc.: Entrenchment of the Due Diligence Requirement in Replevin Actions for Stolen Art ..... 1839††

TAXATION

The Innocent Spouse Problem: Joint and Several Liability for Income Taxes Should Be Repealed 317*

TORTS

Form and Substance in Anglo-American Law (reviewed by David F. Partlett) 1401*

Product Health Claims and the First Amendment: Scientific Expression and the Twilight Zone of Commercial Speech 1433*

To Quote or Not to Quote: The Status of Misquoted Material in Defamation Law ..... 1637††